

REMARKS

In response to the Official Action mailed on May 31 2006, the Applicants propose to amend the claims as shown above. No new matter has been added. Reconsideration of the rejections of the claims is respectfully requested in view of the above amendments and the following remarks.

As a preliminary matter, the Applicants note that although the Official Action made the rejections of the claims final, it appears that the finality of the rejections was premature because the Official Action contained a new ground of rejection of claims which had not been amended in the previous response filed by the Applicants. Specifically, the Official Action contained a rejection of claims 1 - 3 based on Sato '033 (U.S. Patent No. 6,492,033) in view of either Sato '728 (U.S. Patent No. 4,243,728) or JP '441 (JP 05-248441). This ground of rejection had not been previously applied to these claims, and these claims were not amended in the previous response filed on March 24, 2006. Therefore, in accordance with MPEP 706.07(a), the rejection should not have been made final. For this reason, the Applicants request that the finality of the rejections in the most recent Official Action be withdrawn and that the present amendment be treated as a response to a non-final rejection.

The Examiner is thanked for his courtesy in granting an interview on June 29, 2006 to discuss the present application.

As discussed at the interview, the amendment filed on March 24, 2006 contained a description of a procedure used to prepare two bearings illustrated in photographs attached to that amendment. The description of the procedures set forth in the amendment was somewhat vague, so the Applicants wished to set forth with greater detail the procedures actually used for preparing the bearings. Also, on page 9 of that amendment, due to a typographical error and as well as misunderstanding on the part of the Applicant's undersigned representative, it was stated that "the difference in the amount of voids between the two bearings is due to the second step of sintering, not to the presence or absence of graphite particles". This sentence should have stated the difference results largely from the first step of sintering (the initial sintering step), and it should have stated that the difference in the amount of voids was due to a certain extent to the presence of graphite particles, but that the initial sintering was a major factor in reducing the amount of voids in a bearing according to the present invention. In order to clarify these issues, a declaration by one of the inventors regarding the procedures used to prepare the two bearings illustrated in the photograph was presented at the interview. It was agreed that the declaration would be submitted as a part of a written response. Accordingly, a copy of the declaration is attached to this response. As set forth in the declaration, a method of manufacturing a sliding part as set forth in the present application which includes a step of initial sintering of a mixed powder containing a solid lubricant and pulverizing the sintered

mass results in a powder in which the solid lubricant is uniformly distributed. A sliding part resulting from this method has a much lower incidence of voids and a much more uniform texture than a Cu-Sn-Ag bearing alloy layer manufactured by a method similar to that employed in Sato '033 (U.S. Patent No. 6,492,033), which does not include an initial sintering step. Therefore, even if a bearing alloy layer as set forth in Sato '033 were modified by the addition of Cu-plated solid lubricant particles, it would not result in a multi-layer sliding part as set forth in claims 4 - 6 and 13.

Claims 1 - 13 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1 - 10 of copending Application No. 10/919,525. The Applicants respectfully traverse this rejection but wish to defer providing explicit arguments for traversing until such time that the rejection becomes an actual obviousness-type double patenting rejection.

On page 3 of the Official Action, claims 1 - 3 and 12 were rejected under 35 USC 103(a) as unpatentable over Sato '033 (U.S. Patent No. 6,492,033) in view of either Sato '728 (U.S. Patent No. 4,243,728) or JP '441 (JP 05-248441). This rejection is respectfully traversed because there is no motivation in the references to combine them in the manner proposed in the Official Action. However, in order to expedite prosecution, the Applicants have decided to cancel these claims, thereby rendering

the rejection of claims 1 - 3 and 12 moot.

Claims 4 - 11 and 13 have been allowed. In reviewing these claims, it was found that claim 7 was unnecessarily limiting, so in this amendment, it has been modified to remove a number of limitations which describe features which are optional and not required to carry out the present invention. Claim 7 remains allowable for the reasons given in the examiner's statement of reasons for allowance on page 5 of the Official Action of June 14, 2005.

New claims 14 - 20 describe additional features of the present invention. Claims 14 - 19 are allowable as depending from claim 4 or claim 7. New claim 20 describes a method including mixing a copper alloy powder with a copper-plated solid lubricant to form a sintered mass, subsequently pulverizing the sintered mass to form a powder, dispersing the pulverized powder on a backing plate, and performing sintering. As acknowledged by page 5 of the Official Action of June 14, 2005, the cited art does not disclose or suggest such a method including these steps. Claim 20 is therefore allowable.

In light of the foregoing remarks, it is believed that the

present application is in condition for allowance. Favorable consideration is respectfully requested.

Respectfully submitted,

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Attachment: Declaration under 37 CFR 1.132